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5 IN THE UNITED STATES DISTRICT COURT
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 ASAR TAUF SHAKANASA, a.k.a.
10 EDWARD TERRAN FURNACE,

11 Plaintiff,

12 v.

13 KATE ALLISON; SCOTT KERNAN; M.
14 HODGES; M. VOONG,

15 Defendants.

16 No. C 18-1719 WHA (PR)

17 **ORDER VACATING DISMISSAL
18 AND JUDGMENT; DIRECTING
19 PLAINTIFF TO SHOW CAUSE FOR
20 LATENESS OF FILING FEE
21 PAYMENT**

22 Plaintiff, a California prisoner proceeding pro se, filed this civil rights action on March
23 20, 2018. On the same day, the clerk notified plaintiff that he must submit either the filing fee
24 or a completed application to proceed in forma pauperis (“IFP”). Along with this notice, the
25 clerk mailed to plaintiff an IFP application, instructions, and a stamped return envelope. The
26 notice informed plaintiff that the case would be dismissed if he did not either pay the fee or file
27 the completed IFP application within 28 days, or by April 17, 2018. Because plaintiff did not do
28 so, the case was dismissed and judgment was entered against plaintiff on May 7, 2018.

29 In the dismissal order, it was noted that no response from plaintiff had been received. It
30 has now become clear that on May 2, 2018, five days before entry of the dismissal order and
31 judgment but 15 days after the deadline to comply with the fee deficiency notice, plaintiff paid
32 the filing fee. He did not, however, explain why that payment was submitted 15 days after the
33 deadline. Nevertheless, as the dismissal order is incorrect in stating that *no* response from
34 plaintiff was received, both that order and the accompanying judgment are **VACATED**.

1 Plaintiff must still explain the reason for not complying with the deadline for paying the
2 filing fee or filing an IFP application. Rule 41(a) of the Federal Rules of Civil Procedure
3 provides for dismissal when a plaintiff does not comply with a court deadline. Therefore, within
4 **28 days** of the date this order is filed, plaintiff must **SHOW CAUSE** why this case should not be
5 dismissed under Rule 41(a) for failing to either pay the filing fee or file a completed IFP
6 application by the deadline in the deficiency notice of April 17, 2018. **Failure to do so, or to**
7 **request an extension of time and provide a good reason for such an extension before the**
8 **deadline has passed, will result in the dismissal of this case.**

9 IT IS SO ORDERED.

10 Dated: May 15, 2018.



11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE

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